

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AGWAY FARM & HOME SUPPLY, LLC¹

Debtor.

Chapter 11

Case No. 22-10602 (JKS)

***THIRD AMENDED² NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON OCTOBER 14, 2022 AT 12:00 P.M. (ET)***

THIS HEARING WILL BE CONDUCTED IN-PERSON. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Participation at the in-person court proceeding using Zoom is allowed only in the following circumstances: (i) a party who files a responsive pleading intends to make only a limited argument; (ii) a party who has not submitted a pleading but is interested in observing the hearing; (iii) a party who has a good faith health-related reason and has obtained permission from Judge Stickles' chambers to appear remotely; or (iv) other extenuating circumstances as determined by Judge Stickles.

All participants over Zoom must register in advance. Please register by October 13, 2022 at 4:00 p.m. (ET)

COURTCALL WILL NOT BE USED FOR THIS HEARING.

Please use the following link to register for this hearing:

<https://debuscourts.zoomgov.com/meeting/register/vJItc-uprzIqHcTF9bVsBCd7n7vwG5Wqlwc>

After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.

**YOU MUST USE YOUR FULL NAME WHEN LOGGING INTO ZOOM OR
YOU WILL NOT BE ALLOWED INTO THE MEETING.**

MATTERS GOING FORWARD:

1. Debtor's Motion for Entry of an Order: (I) (A) Approving Bidding Procedures and Protections in Connection with the Sale of Certain of the Debtor's Assets Free and Clear of Liens, Claims, Encumbrances and Interests; (B) Scheduling an Auction and Sale Hearing; (C) Approving the Form and Manner of Notice Thereof; and (D) Granting Related Relief; and (II) (A) Authorizing Sale of Debtor's Intellectual Property and Certain Equipment Free and Clear of Liens, Claims, Encumbrances, and Other Interests; and (B)

¹ The last four digits of the Debtor's federal tax identification number are 1247. The Debtor's address is 6606 W. Broad Street, Richmond, VA 23230.

² Amended items appear in **BOLD**.

Granting Related Relief [Filed September 1, 2022; [Docket No. 168](#)].

Sale Objection Deadline: October 7, 2022 at 4:00 p.m.

Responses/Objections Received: None.

Related Documents:

- A. Order (A) Approving Bidding Procedures and Protections in Connection With Certain of the Debtors Assets Free and Clear of Liens, Claims, Encumbrances, and Interests; (B) Scheduling an Auction and Sale Hearing; (C) Approving the Form and Manner of Notice Thereof; and (D) Granting Related Relief [Filed September 22, 2022; [Docket No. 221](#)].
- B. Notice of Sale of Certain Assets at Auction [Filed September 22, 2022; [Docket No. 222](#)].
- C. Notice of Successful Bidder at Auction in Connection with the Sale of Certain of Debtor's Assets Free and Clear of Liens, Claims, Encumbrances, and Interests [Filed October 13, 2022; [Docket No. 259](#)].
- D. Notice of Filing of Proposed Sale Order [Filed October 13, 2022; [Docket No. 262](#)].
- E. Declaration of Charles Klaus in Support of Debtor's Motion for an Order (A) Authorizing Sale of Certain of Debtor's Assets Pursuant to Successful Bidder(s)' Asset Purchase Agreements, Free and Clear of Liens, Claims, Interests, and Encumbrances; and (B) Granting Related Relief [Filed October 13, 2022; [Docket No. 264](#)].**

Status: This matter is going forward with respect to approval of the three proposed sales.

- 2. Debtor's Motion for Entry of an Order Shortening the Notice Period with Respect to the Expedited Motion to Designate Stalking Horse Purchaser, Approve Stalking Horse Purchase Agreement, and Provide Bid Protections for Remaining Assets [Filed October 7, 2022; [Docket No. 249](#)].

Objection Deadline: At the hearing.

Responses/Objections Received: None at this time.

Related Documents:

- A. Expedited Motion to Designate Stalking Horse Purchaser, Approve Stalking Horse Purchase Agreement, and Provide Bid Protections for Remaining Assets [Filed

October 7, 2022; [Docket No. 248](#)].

Status: This matter will be heard along with the underlying Expedited Motion.

3. Expedited Motion to Designate Stalking Horse Purchaser, Approve Stalking Horse Purchase Agreement, and Provide Bid Protections for Remaining Assets [Filed October 7, 2022; [Docket No. 248](#)].

Objection Deadline: At the hearing.

Responses/Objections Received:

- A. Objection of the United States Trustee to the Debtors Expedited Motion to Designate Stalking Horse Purchaser, Approve Stalking Horse Purchase Agreement, and Provide Bid Protections for Remaining Assets [Filed October 13, 2022; [Docket No. 256](#)].

Related Documents:

- A. Debtor's Motion for Entry of an Order Shortening the Notice Period with Respect to the Expedited Motion to Designate Stalking Horse Purchaser, Approve Stalking Horse Purchase Agreement, and Provide Bid Protections for Remaining Assets [Filed October 7, 2022; [Docket No. 249](#)].

Status: This matter will be heard along with the related Motion to Shorten.

Dated: October 14, 2022
Wilmington, Delaware

MORRIS JAMES LLP

/s/ Jeffrey R. Waxman

Jeffrey R. Waxman (DE Bar No. 4159)

Brya M. Keilson (DE Bar No. 4643)

500 Delaware Avenue, Suite 1500

Wilmington, DE 19801

Telephone: (302) 888-6800

Facsimile: (302) 571-1750

E-mail: jwaxman@morrisjames.com

E-mail: bkeilson@morrisjames.com

and

SHULMAN BASTIAN FRIEDMAN & BUI LLP

Alan J. Friedman (admitted *pro hac vice*)

Melissa Davis Lowe (admitted *pro hac vice*)

Max Casal (admitted *pro hac vice*)

100 Spectrum Center Drive, Suite 600

Irvine, CA 92618

Telephone: (949) 340-3400

Facsimile: (949) 340-3000

E-mail: afriedman@shulmanbastian.com

E-mail: m Lowe@shulmanbastian.com

E-mail: mcasal@shulmanbastian.com

Counsel to the Debtor and Debtor in Possession